DOCUMENT RESUME

ED 031 547 UD 008 332

The First Year of Desegregation under Title Six in Alabama: A Review with Observations and Conclusions. A Special Report.

Alabama Council on Human Relations, Inc., Huntsville.
Pub Date Sep 65
Note-19p.
EDRS Price MF-$0.25 HC-$1.05
Descriptors-Civil Rights, Faculty Integration, Federal Laws, *Free Choice Transfer Programs, Integration Methods, *School Integration, *School Segregation, *Southern Schools, *State Action, State Departments of Education, State Laws, State Officials, Token Integration
Identifiers-Alabama

Evaluated is the adequacy of the General Statement of Policies under Title VI of the Civil Rights Act of 1964 to achieve the basic objective of Title VI in Alabama. Material in the report is presented under the rubrics of U.S. Office of Education (OE) strategy and policies, Alabama's reaction to the General Statement of Policies, and the effect of the OE statement on school segregation (said to be minimal). In sum, plans for desegregation ordered by Alabama courts were less effective than those submitted in compliance with Title VI. Orders requiring faculty integration within a school will incur greater reluctance, if not outright resistance, than pupil transfers. Freedom of choice plans will not expedite school desegregation "with all deliberate speed." The extent of school integration in Alabama's cities is "only a token of tokenism." (NH)

THE FIRST YEAR OF DESEGREGATION UNDER TITLE SIX IN ALABAMA

A Review with Observations and Conclusions

A Special Report

ALABAMA COUNCIL ON HUMAN RELATIONS, INC.
J. Edwin Stanfield, Executive Director
2809 Governors Drive, West
Huntsville, Alabama 35805

September, 1965

THE FIRST YEAR OF DESEGREGATION UNDER TITLE SIX IN ALABAMA

A Review with Observations and Conclusions

PURPOSE AND METHOD

The purpose of this review is to evaluate, in the light of developments through the opening of schools in August and September, 1965, the adequacy of present policies of the Office of Education, set forth in their "General Statement of Policies Under Title VI," to accomplish in Alabama the basic objective of Title VI.

We have made no attempt to gather exact or complete statistics on school desegregation in Alabama. Such statistics as are used are obtained largely from reports in newspapers and other publications. These will be generally reliable and will serve to provide a reasonably accurate picture, but will not be exact in all instances. The Office of Education and certain private agencies, such as the Southern Education Reporting Service, are better equipped than the Alabama Council on Human Relations to secure precise statistical information.

Our other material also is drawn mostly from publications, particularly newspapers.

THE STRATEGY AND POLICIES OF THE U. S. OFFICE OF EDUCATION

Section 601 of Title VI of the Civil Rights Act of 1964 describes the basic objective of the title as follows:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Needless to say, it was not a matter of indifference to the Office of Education whether school boards received Federal funds or not. The

administration correctly considered the ultimate end of school integration to be improved education for all students. A decision by a school board to do without Federal funds would be highly regrettable. Cutting off funds would be an unhappy, last-resort alternative.

So the policies of the Office of Education in enforcing Title VI were aimed at coaxing compliance out of the South as rapidly as possible without stopping any substantial Federal aid.

At first Commissioner Keppel and his staff hesitated to reduce their requirements for this first year to writing. They were operating in the dark as to what the South's response would be. On the one hand, they were afraid that whatever they said they would accept would be taken as a ceiling by school systems which could easily move faster toward desegregation. On the other hand, if they placed the minimums too high, backward cities and counties might accept the unhappy alternative of going without Federal school funds.

Some experts expressed fear that too many Negroes would decide to switch schools the first year, stirring up Southern resistance to the point of disorder. Others, probably in the majority, were afraid that there would be too little progress in the first year, with the effect that Title VI would be taken as a paper tiger by Negroes and segregationists alike. One Southern desegregation specialist is quoted as having said, "There'll be just as many clever ways for school boards to appear to comply with the education office as they've found for the courts."

In April the Office of Education issued its "General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools." The heart of it was an indication that any one of three types of plans would be accepted: (1) plans

calling for assignment of pupils to schools serving districts drawn on a non-discriminatory basis; (2) plans allowing freedom of choice whereby parents could transfer children to any school in the system, provided it was not full, without the limitations of tests, achievement levels, etc.; or (3) plans which were a combination of the two.

The General Statement also provided for the acceptance of final court orders by the Office of Education as an adequate plan. All plans had to provide for publication of the provisions prominently in a newspaper of general circulation and notice to parents in plenty of time was required. At least four grades had to be desegregated by the fall of 1965, and in certain cases a child could transfer whether his grade was desegregated or not. 1967 was set as the "target date" for complete elimination of characteristics and practices of dual or segregated school systems.

There were many details, of course, into which we need not go. It is important to note, however, that the General Statement stipulated that "the Commissioner of Education may from time to time redetermine the adequacy of any desegregation plan to accomplish the purposes of the Civil Rights Act." Furthermore, "On or before January 31, 1966, the Commissioner of Education may modify the policies respecting desegregation of elementary and secondary schools in order to determine the eligibility for Federal financial assistance in the 1966-1967 school year and thereafter."

The agency's greatest gamble was the allowance of "freedom of choice" plans. They probably had no alternative, since the courts had been accepting the idea as a desegregation method. The method was open to all kinds of abuse and subterfuge. It would require vigorous promotion by rights groups and other private agencies. And many civil rights people argued that it still left the burden of the initiative upon Negro parents--and the onus following upon initiation of integration.

The introductory paragraph to the section of the General Statement detailing freedom-of-choice as a possible plan reads as follows:

> The responsibility to eliminate segregation rests with the school authorities and is not satisfied by rules and practices which shift the burden of removing discrimination to the class or classes of persons previously discriminated against.

All plans submitted by Alabama school systems were freedom-of-choice plans.

THE REACTION IN ALABAMA

Generally speaking, Alabama's school administrators were disposed to comply rather than risk loss of Federal funds, especially after it was pointed out that legal steps would force desegregation even if they refused to comply with Title VI and thereby forfeited Federal aid. Their path toward compliance was made difficult, however, by the reactions of the present administration of the state government and the legislature.

On Tuesday, March 2, the State Board of Education, of which Governor Wallace is ex-officio chairman, voted to refuse to sign Title VI compliance forms until the law could be tested in court. They urged local boards to do the same. On Friday, March 5, State Superintendent of Education Austin R. Meadows announced that he had signed the compliance form himself and had "every reason to believe" that HEW would free $75 million in Federal school funds on his signature. As of that day, he added, he had received compliance agreements from 106 of Alabama's 118 school systems. Meadows said that the signing of an agreement to abide by a federal regulation was an executive function, not a policy-making function, and he was the executive officer of the board. He also announced that he had abstained from voting when the State Board passed its "unanimous" resolution urging non-compliance. And he threw in the information that he had been signing compliance forms for more than a year in order to get Manpower Development and Training Act funds.

On June 28, Superintendent Meadows announced that he had been assured by the U. S. Office of Education that his signing of the compliance form would allow the schools to keep getting funds channeled through the State Education Department, despite the defiant stand of the State Board. Just two days before James Chisum, a Birmingham News writer, reported that the Office of Education had indicated that an affirmation from Alabama Attorney General Richmond Flowers or Governor Wallace that Superintendent Meadows was authorized to promise compliance would settle the matter favorably. Flowers, who is no political ally of Wallace, had said, "I'll get the money any way I can."

Even in such Black Belt cities as Selma, school boards, to the surprise of some, submitted freedom-of-choice plans. They were not as willing to comply as their North Alabama counterparts, perhaps (Dallas and Lowndes Counties waited until the last minute to submit desegregation plans), but with good reason.

Spurred by the (White) Citizens Councils, private school organizations were formed. There were already private, all-white school corporations in Macon County (Tuskegee), Birmingham, Anniston, and Indian Springs, formed after court-ordered desegregation in 1963. In May, 400 citizens of Demopolis crowded into the elementary school auditorium to support a newly-formed group seeking possible ways to open private schools. Their state senator, E. O. Eddins, promised them his personal support, but doubted that they could expect any help from state funds.

Apparently the first such group actually incorporated this year was the Lowndes County Private School Foundation. In mid-July they announced plans to keep school in an eight-room recreation center at Lowndesboro, seven miles from the county seat at Hayneville. Plans were to open a similar elementary school at Fort Deposit, and later a high school

centrally located.

A similar organization with similar plans formed in Dallas County.

Such groups were given more aid and comfort by the state government than Senator Eddins had thought likely. On December 23, 1964, Governor Wallace had sent special Christmas greetings to the founders of the private, all-white Macon Academy. "I extend congratulations to the fine people who founded Macon Academy," he wrote, "for their courage and determination. These people refused to surrender when their school system was taken over by the federal court system. It will take determination and spirit such as they have shown if we are to retain our individual liberty and freedom."

Slightly more tangible encouragement came from a law, passed by both houses of the legislature in August and signed by Wallace in September, which provided for $185 per pupil in state tuition-grants for children whose parents wish to send them to private, non-parochial schools. ($185 is the amount the state spends on each child per year in the public schools.) The law does not mention race, but provides the money if parents feel that a child's attendance at public school would be "detrimental to" his physical and emotional health or physically dangerous. The legislature appropriated $1,700,000 for this purpose for 1965-66 and $2,000,000 for 1966-67.

The tuition-grant bill was opposed by the Alabama Education Association, which said that while many members of the AEA donated to private school groups, they felt that "private schools have no just claim on tax money collected by the state for the support of public schools."

On September 2, the State Board of Education, with Governor Wallace as chairman, passed a resolution recommending that Alabama schools halt desegregation in compliance with Title VI until firm court precedent for such action is established. They instructed Superintendent Meadows to tell local districts not to follow any compliance plan "not required by law or

court order." They charged the Office of Education and the Department of Health, Education and Welfare with "conflicting pronouncements" and with causing confusion.

The Board added that public education is "completely dependent on the good will and support of the people of Alabama," support which it said might be jeopardized by "action taken by local school boards in excess of minimum requirements of laws and court orders."

Immediately after the meeting at which that resolution was passed, Governor Wallace, Lt. Gov. James Allen and House Speaker Albert Brewer fired off a telegram to the Superintendent of Lauderdale County Schools, Mr. R. A. Thornton. Lauderdale had enrolled more than seventy Negro pupils in formerly all-white schools. Worse, their desegregation plan had been praised by the U. S. Office of Education as a very good one and sent to school boards in similar circumstances as a model--and this fact had been reported in the press. The Wallace telegram to him said, in part:

> Your statement to the Governor's office on Thursday, September 2, that you are satisfied with the public school situation in Lauderdale County, where more Negro pupils are enrolled in previously all-white schools than there are in either of the large cities of Birmingham and Montgomery, and your further statement that you plan to eliminate eventually all Negro schools in the county and transfer the pupils to white schools could do more to destroy the public educational system in Alabama than any action since the infamous 1954 decision of the U. S. Supreme Court.
>
> . . . .
>
> Those who worked diligently to raise support of public education to a record high level in the history of our state resent and reject this attitude . . .

They ended by calling upon Thornton to "align your policies with the minimum requirements of the law and of court orders."

On September 5, Wallace, Allen and Brewer invited all of the state's city and county school superintendents to a meeting in Montgomery on

Tuesday, September 7. The telegram said "Matters of vital concern to the people of Alabama involving the future welfare of the public school system will be discussed at the meeting."

The meeting lasted two-and a half hours, with Wallace presiding. Newsmen were barred, but the governor said later that he had urged the school officials to go no further than the "law and court decisions" require. He again appealed to the local boards to wait for the outcome of a Federal suit filed by the Bessemer City School Board challenging the regulations of the U. S. Office of Education under Title VI.

At the meeting, Wallace had expressed disapproval of the twelve-grade plans filed with HEW by 57 Alabama boards. "Our purpose here is to minimize the effect of integration," he is reported to have said. "We ask no one to violate any law or court order."

Lt. Gov. Allen added, "We're in favor of maintaining the dual school system in Alabama by whatever means that is peaceable, legal and honorable."

After the meeting, one educator from South Alabama commented, "I feel just like the governor does on this whole damned thing, but we haven't had any leadership. They could have had this thing a year ago." A North Alabama superintendent said the meeting was "mighty late in being called." And a member of the Anniston school board said the meeting might be helpful for the future, but for this year, "I don't think it accomplished a thing. I think it was too late."

The meeting seemed, to some observers at least, to bring out a rift between Wallace and Superintendent Meadows. Wallace told newsmen that the meeting "should have been called by the Department of Education months ago" and added that educators "on some levels" in the state had failed to give "information and advice" to the local boards.

Meadows answered with a reminder that both he and Wallace were under a Federal court injunction against "interfering with, preventing or obstructing, by any means, the elimination of racial discriminstion by local school boards in any school district in the state of Alabama." He referred to an injunction given in 1964 by a three-judge panel, on bases having nothing to do with Title VI of the 1964 Civil Rights Act, by which they served notice that unless state officials take affirmative action in eliminating racial discrimination "within a reasonable time," state funds will be ordered cut off from still-segregated local school systems.

THE RESULTS IN ALABAMA

In Ruby, South Carolina, all school children in the district, 454 whites and 120 Negroes, went to the same school with no trouble. In Holmes County, Mississippi, 189 Negroes registered for formerly all-white schools. In Fairfield County, South Carolina, where there are twice as many Negro students as whites, 160 Negroes were admitted to former white schools.

In Atlanta, the number of Negroes in school with whites jumped from 1,600 last year to about 2,000 this year. In houston, some 1,000 Negroes are integrating 49 formerly white schools. In New Orleans, the figure is 1,200, compared to 846 last year. Many would contend that in cities that size those figures represent mere tokenism.

The largest city in Alabama is Birmingham. This is the third year of court-ordered desegregation in that city of 350,000. Last year, there were nine Negro pupils in school with whites in Birmingham. This year, with the added impetus of Title VI, and an organized effort by civil rights groups to inform the Negro parents about the provisions of the plan and procedures for transfer, 53 Negro pupils were enrolled in formerly white schools in the city system. There are approximately 70,000 pupils in the city schools.

In the Greater Birmingham area and also under court order, but for the first time this year, the school systems of Bessemer and Jefferson County had 14 and 8 transfers, respectively. This, too, was after considerable effort by civil rights groups. There are 64,000 students in the Jefferson County system, 8,000 in Bessemer. There were a few transfers in Fairfield, which is a Birmingham suburb, under a brand new court order, but the figures were not announced. Mountain Brook, another suburb, announced that their system was not affected, since they had not used Federal money for years. Tarrant City refused to submit a desegregation plan to the Office of Education.

In Mobile, the state's second largest city, 39 Negroes were enrolled in formerly white schools this year. They were distributed among nine schools of the largest system in the state. Mobile city and Mobile county have a single system with some 80,000 pupils. More than one-third, or approximately 27,000, are Negroes which means that fourteen one-hundredth of one per cent (14/100% or about 1/7%) of the Negro students in greater Mobile are in racially integrated schools. This is the third year of a court-ordered desegregation plan in Mobile. First desegregation was in 1963 when two Negro seniors were admitted to Murphy High. Last year seven Negroes were distributed among four schools and four affected grades. This year six grades were affected--1, 2, 9, 10, 11, and 12.

It is perhaps worthy of note that adjacent to the article in the newspaper which announced the 39 Negroes enrolled in Mobile's white schools was another story stating that Superintendent Dr. Cranford Burns had wired the Office of Economic Opportunity in an attempt to collect the system's Head Start funds. The funds had been held up because OEO charged failure to comply with non-discrimination requirements. Dr. Burns understood that the matter had been settled and that the funds would be forthcoming.

Huntsville, the fast-growing Rocket City which nosed out Montgomery as the state's third largest last fall, is also in the third year of a court-ordered desegregation plan. Huntsville's school board, like Mobile's, had trouble with the OEO over Head Start funds and non-discrimination requirements. A respondent at the Board of Education office said that they do not keep enrollment figures by race and that it would be necessary to call all schools to find out how many Negroes were enrolled. Last year there were 31, according to the Southern Education Reporting Service.

In Madison County, of which Huntsville is the seat, 22 Negro pupils were enrolled in formerly white schools. Total enrollment is 11,672. Madison County is also in the third year of court-ordered desegregation.

In Montgomery, the state capital and fourth city in size, 32 Negro students were enrolled in formerly all-white schools. Another 32 were enrolled in the Montgomery County system. Both systems were proceeding under court-ordered plans inaugurated previously.

The Alabama school system with the largest number of Negroes in school with white children is that of Florence. In Florence there were 142 applications for transfer and all were accepted.

All school systems in the so-called "Muscle Shoals Area"--including Florence, Lauderdale County, Muscle Shoals city, Tuscumbia, Sheffield, Russellville, and Franklin County--announced early (April 28) that they would desegregate all twelve grades. Muscle Shoals Area, like Huntsville, has a large Federal presence. Muscle Shoals thrives on TVA and Huntsville on NASA, Redstone Arsenal and the support contractors. Neither community has the tradition of violence and intimidation which plagues race relations in other parts of Alabama.

Florence is the seat of Lauderdale County, which had more than seventy Negro students to transfer to formerly white schools. It was the

Superintendent of Lauderdale schools who received the reprimand from Wallace for moving too fast, as previously related.

A surprising number of Alabama school systems submitted plans calling for desegregation of all twelve grades this year. As of August 18, there were 42 such plans out of a total 53 voluntary plans which had then been accepted. As we have seen, Governor Wallace referred to 57 such plans at the September 7 meeting of school officials. One reason for submitting a twelve-grade plan was surely the hint from the Office of Education that such plans would be most readily accepted.

Judging from the results, another reason could have been that the school board figured it would not amount to much anyway. Shortly after Governor Wallace reproved Superintendent Thornton, a reporter wondered, in print, what Wallace was so exercised about. He observed that the results of twelve-grade freedom-of-choice plans in other counties had not been nearly so bad. He said that in seven counties with such plans there were no Negro transfers. He listed Chambers, Coosa, Fayette, Franklin, Marion, Cherokee and DeKalb. In others, he continued in effect, the results were less than alarming, and he gave these figures for 15 other counties: Morgan, 3; Butler, 9; Clay, 3; Calhoun, 17; Cleburne, 2; Coffee, 4; Covington, 4; Geneva, 2; Lamar, 3; Lawrence, 3; Monroe, 1; Russell, 11; Talladega, 21; Walker, 31; and Winston, 4. Note that in all of these all twelve grades were affected.

Figures in other city and county systems not previously mentioned are similar. (Most of these plans called for desegregation of only four grades this year, although some may be twelve-grade plans--not all reports indicated which.) Walker County had 34 transfers. Clay County High School enrolled 3 Negroes, and Hayneville High enrolled 5. The Phenix City system had 30 transfers. Perry County had 11 in two schools and there were eight registered who failed to appear; but the county seat, Marion, had no transfers. Beleaguered Selma, on a plan allowing transfers in the first four

grades, had 31 takers; but Dallas County, after waiting until September 2 to submit a similar plan, had none at all. Anniston and Calhoun County together had 58 Negroes in ex-white schools. The Cullman County system had 42 transfers at Hanceville, a town which functions as the servant quarters for the city of Cullman, ten miles away. (Time was when no Negro was allowed in Cullman after sundown, and the custom is slow-dying.) Bullock County had 29 transfers under a court-ordered plan. Tuscaloosa, home city of the KKK, had 63, thus sharing with Florence and Lauderdale County the distinction of having more Negroes in school with whites than the large cities of Birmingham and Montgomery--not to mention Mobile and Huntsville. The Tuscaloosa County system, however, had only one.

Shortly before schools opened, an Associated Press survey found that Alabama schoolmen expected more than 1,000 Negroes to be in school with whites this fall. Not all of the offices would divulge the number of transfers. Our figures on 48 of the state's 118 systems bear this out, as we can account for 868 of the expected 1,000-plus. (In most cases, however, our figures are the number of applicants accepted, not the number who actually entered formerly white schools.)

The "General Statement of Policies" stipulated that all desegregation plans had to include for this fall "steps . . . for the desegregation of faculty, at least including such actions as joint faculty meetings and joint inservice programs." We know of no formal report or check which would indicate to what extent this was done, but there are informal reports of integrated faculty meetings in several places. There have been no reports of any kind, however, that any school system went beyond the "at least" of this requirement and assigned Negro and white teachers to the same school staff. It is likely that any such assignment would have been reported.

(In July the Alabama Council on Human Relations conducted a survey of fourteen "Project Head Start" programs sponsored by Alabama school systems.

The most striking result was that, although OEO regulations explicitly forbade discrimination on a racial basis in the assignment of teachers, not one Negro teacher was teaching a white child. There were some white teachers teaching Negro children. Only two of the predominantly white centers had Negro teacher-aides.)

The Office of Education finally approved 84 desegregation plans, rejected 16 (pending "extensive negotiations"), had no plan submitted from seven school boards, accepted nine court-ordered plans and one assurance of compliance. This accounts for all but one of the 118 school systems.

OBSERVATIONS AND CONCLUSIONS

1. Court-ordered plans from Alabama were less effective at producing effective desegregation than those submitted in compliance with the Office of Education's Title VI regulations.

Birmingham, Mobile, Huntsville, Montgomery--the four largest cities of the state--are all in the third year of court-ordered desegregation. All had fewer Negroes in school with white students this year than the relatively small school systems in Tuscaloosa, Florence, and Lauderdale County, which were desegregating for the first time under Title VI regulations.

The explanation does not lie in any difference of intensity in racial tensions, for Huntsville has not had acts of violence and intimidation as has Birmingham, while Tuscaloosa is the headquarters of the United Klans of America.

Given the greater number of students, the longer period of time over which changes could take effect, and the relative anonymity that cities are widely supposed to provide, one would expect the more rapid desegregation to be in the four large cities.

This suggests the question whether it is necessary that the Office of Education automatically accept a final court order as an adequate basis for

continued receipt of Federal funds by a school system.

2. Indications are that any regulations requiring integration of faculty within a school will meet with greater reluctance than pupil transfers, if not outright resistance, in Alabama.

We have observed that the Office of Education did not require school staff integration this year. We have also observed that no school board voluntarily assigned teachers on a non-discriminatory basis.

We assume that the assignment of Negro teachers only to a given school and white teachers only to another school constitutes discrimination against both Negro teachers and Negro students. If this assumption is correct, the Office of Education must require school systems to produce evidence within two years that they are not assigning teachers on a racial basis, or else stop receiving Federal funds.

The apparent failure to secure even one biracial school staff in the absence of a regulation requiring it and the difficulty the Office of Economic Opportunity had with their regulation on this point in the Head Start program suggest that this step will not be taken generally without a specific requirement. (We do not know whether plans, in order to be approved by the Office of Education, had to schedule integrated school faculties by 1967.) They also indicate that non-discriminatory assignment of teachers will be a keener test of compliance than allowing students transfers.

3. Freedom-of-choice plans show little promise of effecting in Alabama the purpose and intent of Title VI of the Civil Rights Act of 1964.

As we have observed, the Office of Education may have decided to accept freedom-of-choice plans because the courts did. But if our reading of the results is correct--that the court-ordered plans have not moved with all deliberate speed toward elimination of dual school systems--then

freedom-of-choice is immediately suspect as a suitable and acceptable plan of compliance. (The courts were not concerned, in the Alabama cases, with Title VI, the suits having been instituted and decisions reached in most cases before passage of that act.)

At any rate, the experience of two or three years in some communities under plans which are essentially freedom-of-choice plans does not indicate that the rate of effective desegregation will substantially increase under such plans in the next two or three years.

The widely expressed objection that freedom-of-choice left too much of the initiative up to Negro parents appears to be well founded as far as Alabama is concerned. All of the plans submitted by Alabama boards were freedom-of-choice schemes. The obvious reasons for this are: (1) that no white child could be required to attend a traditionally or predominantly Negro school, as would often be the case in Alabama under a strict school-district plan; and (2) that custom, social pressures, fears of reprisals, and just plain inertia would keep the number of Negro students enrolling in traditionally white schools to a minimum. Under the conditions prevailing in Alabana, a freedom-of-choice plan would say, in effect, "This school system will now make an exception to the rule for all Negro children whose parents insist upon it."

The results this year appear to confirm the effect, if not the motive. Compared to last year's figures the probability of 1,000 to 1,200 Negro pupils in school with whites in Alabama represents progress. According to Southern School News, there were only 101 such Negro pupils in Alabama as of June, 1965. They were in a mere nine desegregated districts. So, we have at least a ten-fold increase, and probably more.

But compared to the number in other cities of the South, the cities of Alabama have managed only a token of tokenism.

And considered absolutely, 1,000 out of approximately 300,000 Negro pupils is a poor start for the first of a proposed three-year program to eliminate the dual school system--especially when it is remembered that well over half of the plans approved "desegregated" all twelve grades this year (although they were not those of the largest systems). A thousand Negro pupils are only about one-third of one per cent (.33%) of the total Negro school population.

The opening paragraph of the General Statement of Policies, U. S. Office of Education, reads as follows:

> I. Applicability of Title VI of the Civil Rights Act of 1964 to Desegregation of Elementary and Secondary Schools
>
> Title VI of the Civil Rights Act prohibits the extension of Federal financial assistance to any dual or segregated system of schools based on race, color, or national origin. To be eligible to receive, or to continue to receive such assistance, school officials must eliminate all practices characteristic of such dual or segregated school systems.

The deadline for accomplishing this was set for the fall of 1967.

The reaction of the state administration with full support of the state legislature which we have described indicates unquestionably intention to maintain "dual or segregated school systems" if possible. Lt. Gov. Allen said so explicitly: "We're in favor of maintaining the dual school system in Alabama by whatever means that is peaceable, legal, and honorable." If such actions and statements are only political necessity in Alabama, the effect is the same as if this were the true disposition of the state's leaders. (One could easily suspect, for example, that Governor Wallace did not wait until September 7 to call his meeting of school officials because he is a procrastinator. But his public posture has its effect nevertheless.)

And the effect of the administrations's policy is as follows:

(1) Negro parents are surely made to feel that any exercise of the right to transfer their child to a white school will be looked upon with disfavor; and those who might commit acts of reprisal are indirectly encouraged.

(2) School administrators, who in many instances appeared relieved to have Title VI requirements to blame and seemed not unwilling to comply, are in effect required to be as uncooperative as possible.

Finally, under freedom-of-choice in Alabama it is safe to assume that virtually all transfers will be one way--from Negro schools to white schools. White pupils may transfer, but mostly to "escape" integrated schools. Thus schools clearly understood to be "Negro schools" will still be provided (even if the Office of Education requires integrated teaching staffs next fall, which ought to be a probability), and Federal money will be used to provide for segregation, even if not overtly to require it. As long as certain schools can be understood by a community to be "the Negro schools" Negro students are being discriminated against, no matter if they are allowed to transfer to "the white schools." Freedom-of-choice does little to discourage such designations.

These observations suggest the need for regulations which could place the burden of initiating change of aptterns of segregation squarely upon school administrators and at the same time relieve them of the onus of defying the state administration.